



3643

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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/891,757
Filing Date	June 26, 2001
First Named Inventor	Russell P Davis
Group Art Unit	3643
Examiner Name	Tom Price

Total Number of Pages in This Submission

4

Attorney Docket Number

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Suspend For cause	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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or
Individual name

Russell P Davis

Signature

Russell P Davis

Date

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CERTIFICATE OF MAILING

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Russell Patton Davis
1521 Quail Point Rd.
Virginia Beach, Virginia 23454
757-729-1079
and
409 Sea Pointe Court, #201
Virginia Beach, Virginia 23451
757-491-0519
February 28, 2003

Assistant Commissioner for Patents, *Box OAC*
Washington, DC 20231.

Dear Assistant Commissioner for Patents,

Please grant a § 1.103(a) six-month suspension of process on application 09/891,757 filed JUNE 26, 2001 for cause. That cause can be related to pending litigation to exposed racketeering activity against my operation in Virginia that has taken the form of §18.2-481(5) felony, also known as statutory treason, were the execution of the law is resisted under the color of its authority. The USPTO has given cause for this suspension by giving show through the actions of its staff that I may not have reasonable hope of receiving the benefits of law and regulation unless I have acquired the financial and intellectual muscle to enforce my rights under that law and regulation. I will probably never know whether or not it is individual caprice rather than the influence of a racketeer, and neither does it matter, as either is sufficient cause for this suspension of this application. The objectionable and special treatment of application 09/891,757 by the USPTO has been: 1) the application filed on JUNE 26, 2001 has not been published as have others of its vintage, 2) examination has been slow, 3) the examiner has expressly raised his personal authority above statute, CFR and MEP in stating that there is no way that he is going to grant such an expansive invention because it is too much work for him; 4) Neither have fees that should have been changed to my account for 09/891,757 been changed as was both requested and fitting. Of greatest financial harm was the delay in publication as that begins the tolling of royalty by infringers. Given the physical violence against my Virginia operation the publication would also have given me the safety of public visibility which has been denied by the USPTO delay.

An International Application encompassing the 09/891,757 US application has been made. A foreign national application on that unexamined PCT application is also being made so that the racketeer cannot exert his influence at the USPTO to make it is though I and my patent work never were.

Certainly, this petition to the Commissioner of Patents is not so certain of due delivery and due answer that this petition is sufficient in itself to win the restoration of this citizen's rights under US patent law and regulation.

Therefore, I have prepared a petition for a declaratory decree to expose the §18.2-481(5) felony, and civil wrong of Jerry Showalter of the Virginia Marine Resources Commission. When pressed by criminal and civil prosecution Mr. Showalter may finger the racketeer, who is apt to be one of the Commissioners with a ten million dollar per year incentive, such that the racketeer may be separated from his crime.

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If I am not able to win a restoration of my rights as citizen I will emigrate to the protection of a non-Virginia Baron who will have both incentive and resource to press the economic benefits of patent vigorously.

In either case the USPTO may harvest great shame and litigation if it fails to give honorable and due process to the PCT application and to 09/891,757 .

It is true, that I may fail to win the protection of either law or baron and utterly fail to protect my invention, such that it becomes public domain. In this outcome the USPTO's wrong against me by the deprivation of due process would also be the cause of the greatest harm against the US and its aquaculture and fisheries industries as the world wide affect of a rapid hundred fold increase in hatchery economy would be a catastrophic decline in prices.

The results of the wrong against me and recrimination due those wrongs will increase if I am dispossessed and/or murdered as that will precipitated mass bankruptcy in the industry due to unmoderated adoption of revolutionary technology – the discontinuation of my personal interest would only increase USPTO's exposure in its wrongs against due process of the law.

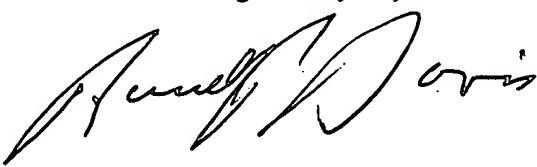
It is best for all if the USPTO discover what is right in this matter and does it with a willing heart.

It is my personal belief and request is that it would be best for the USPTO to suspend action on 09/891,757, accept the PCT application into the US national application process and promptly publish the PCT application as a substitute application and continuation-in-part for 09/891,757 as the literary qualities of 09/891,757 are so bad that it can reasonably be considered sufficiently informal for substitution but not so informal as to lose priority date on the claims. Since much of the invention is without prior art and the field of endeavor has very little patent activity no one is likely to have a right that that might be harmed by this method of stepping forward to heal the USPTO breach in due process on 09/891,757.

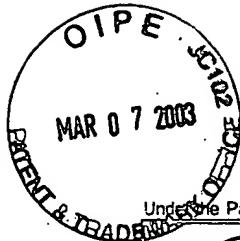
It also seems that two charges of about \$1800 have been made against the PCT application. There should be one initial charge of \$1800 for the Jan 26, 2003 application and possibly some additional charge to pay for the expanded page count needed to meet formatting requirements as in the amendment filed Feb 10, 2003. Please credit my account with what balance is due. Please debit my account as need to bring the PCT application national as a substitute and continuation in part 09/891,757 if that seems a fitting remedy to you at this time.

Sincerely,

Russell P Davis



You may preview the initial pleading at <http://www.shellfish-unlimited.org/VaDeclaratoryDecree2003.htm> .



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TC 1600 before Final 703-872-9302
Tom Price FAX 703-305-7687

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